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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,732	09/21/2006	Maurizio Moretto	C&P-171US	2811

23122 7590 05/14/2010

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EXAMINER	
GONZALEZ, MADELINE	
ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
05/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/593,732	MORETTO, MAURIZIO	
	Examiner	Art Unit	
	MADELINE GONZALEZ	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to applicant's amendment dated February 24, 2010

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 21 and 22 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Tanner et al. (U.S. 6,423,224) [hereinafter Tanner].

With respect to **claim 1**, Tanner discloses a water treatment device, as shown in Fig. 1, having:

- a vessel 36 for containing water requiring filtration, said vessel being separate from a cartridge 10, as shown in Fig. 2;
- a vessel 102 for the collection of filtered water;
- the vessels 36, 102, being connected through the cartridge 10, as well as means 20 for counting the filtering cycles performed by the cartridge 10 to determine the exhaustion state of the cartridge 10 (see col. 3, lines 47-49);
- the counting means 20 include at least one float level detector 25 disposed within one of the vessels 36, 102, and capable of generating at least one counting signal fed to the counting means 20 as a consequence of the

corresponding water level being reached within the associated vessel 36 (see col. 3, lines 49-59), the counting means 20 being separate from the cartridge 14, as shown in Fig. 2.

With respect to **claim 5**, Tanner discloses wherein the float 25 is housed in a compensation chamber 21 communicating with the associated vessel 36 through a gauged opening 41, 42, 43, as shown in Fig. 2.

With respect to **claim 6**, Tanner discloses wherein the float 25 is guided within the compensation chamber 21, as shown in Fig. 2.

With respect to **claim 21**, Tanner discloses wherein the counting signals are summed by a calculating unit which generates a display indicating the state of exhaustion of the cartridge (see col. 3, lines 47-49).

With respect to **claim 22**, Tanner discloses wherein the calculating unit is disposed in a lid of the filtering jug, as shown in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4, 8-11 and 15-19 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Girondi (U.S. 2003/0089648).

With respect to **claim 2**, Tanner **lacks** the level detector having at least one proximity sensor which senses the position of the float.

With respect to **claims 8 and 15-19**, Tanner **lacks** the level detector including a plurality of sensors located at rising levels within the associated vessel.

Girondi teaches a unit, as shown in Fig. 1, having a filter 1 and including a differential level reading and monitoring system, as shown in Fig. 2, including magnetized floats 24, 25, and magnetic proximity sensors 220, 230. When water 10 present in the filter collection chamber 5 exceeds a predetermined level, the sensors will sense the presence of the floats and emit a signal causing a lamp 17 to light to warn the user that the unit is operating abnormally (see paragraph 0045-0054). It would have been obvious to provide the device disclosed by Tanner with magnetized floats and proximity sensors as taught by Girondi in order to provide and indication to the user that the filter is not operating properly (see paragraph 0045-0054) and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

With respect to **claim 3**, Girondi discloses wherein the at least one proximity sensor 220, 230, includes a switch (see paragraph 0032).

With respect to **claim 4**, Girondi discloses wherein the switch is of the reed, hall and/or magneto-resistant type and the float 24, 25, has a magnetic stop which is able to co-operate together with the switch (see paragraph 0032).

With respect to **claims 9-11**, Tanner discloses wherein the float 25 is housed in a compensation chamber 21 communicating with the associated vessel 36 through a gauged opening 41, 42, 43, as shown in Fig. 2.

Claim 7 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Daniels (U.S. 5,645,732).

With respect to **claim 7**, Tanner **lacks** the float mounted at one end of a hinged arm whose opposite extremity is hinged on the associated vessel.

Daniels teaches a filtering arrangement, as shown in Fig. 1, having level detectors 37, 39, including a float mounted at one end of a hinged arm 37B, 39B, whose opposite extremity is hinged on a box, 37A, 39A. It would have been obvious to provide the float disclosed by Tanner as a float having a hinged arm as taught by Daniels, since such floats are commonly used as level detectors and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

Claims 12-14 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Girondi (U.S. 2003/0089648) as applied to claims 2-4 above, and further in view of Daniels (U.S. 5,645,732).

With respect to **claims 12-14**, Tanner and Girondi **lack** the float mounted at one end of a hinged arm whose opposite extremity is hinged on the associated vessel.

Daniels teaches a filtering arrangement, as shown in Fig. 1, having level detectors 37, 39, including a float mounted at one end of a hinged arm 37B, 39B, whose opposite extremity is hinged on a box, 37A, 39A. It would have been obvious to provide the float disclosed by Tanner and Girondi as a float having a hinged arm as taught by Daniels, since such floats are commonly used as level detectors and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

Claim 20 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner (U.S. 6,423,224) in view of Daniels (U.S. 5,645,732) as applied to claim 7 above, and further in view of Girondi (U.S. 2003/0089648).

With respect to **claim 20**, Tanner and Daniels **lack** the level detector including a plurality of sensors located at rising levels within the associated vessel.

Girondi teaches a level detector including a plurality of sensors 220, 230, located at rising levels within the associated vessel and it would have been obvious to provide the device disclosed by Tanner with magnetized floats and proximity sensors as taught

by Girondi in order to provide and indication to the user that the filter is not operating properly (see paragraph 0045-0054) and since Tanner already suggests that a variety of visual indicating mechanisms could be employed (see col. 3, lines 60-67).

Response to Arguments

Applicant's arguments filed on February 24, 2010 have been fully considered but they are not persuasive.

In response to applicant's argument that the vessel 36 of Tanner is not a vessel for containing water: Tanner teaches that water enter through cover 40 and a lower escapement 36 to fill chamber 21, which appears to be the inside the lower escapement 36, as shown in Fig. 2 (see col. 4, lines 1-4). Therefore, the lower escapement 46 has been considered a vessel. Furthermore, the limitation "for containing water requiring filtration" in claim 1, is considered to be a recitation of the intended use of the claimed invention which must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the vessel 36 of Tanner is capable of containing water requiring filtration.

In response to applicant's argument that Tanner fails to disclose that the vessel containing water requiring filtration is separate from the filter cartridge: The filter cartridge 10 is composed of housing 14 and filter media 12, as shown in Figs. 2 and 5,

and the vessel 36 is separate from the filter cartridge 10, as shown in Fig. 2. Furthermore, element 14 can be considered as the filter cartridge.

In response to applicant's argument that Tanner fails to disclose that the counting means is separate from the filter cartridge: Tanner teaches counting means 20, which are separate from filter cartridge 10, as shown in Fig. 2.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is

(571)272-5502. The examiner can normally be reached on M, W, Th, F- 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797

Madeline Gonzalez
Patent Examiner
May 11, 2010